



Department for Children and Families
Family Services Division
Osgood 2
103 South Main Street
Waterbury, VT 05671-2401

Agency of Human Services

(phone) 802-241-2953
(fax) 802-241-1219

CHILDREN AND FAMILY COUNCIL FOR PREVENTION PROGRAMS

Children's Trust Fund

Juvenile Justice

Delinquency Prevention

July 17, 2009

Sen. Richard Sears, Chair, Senate Judiciary
Rep. William Lippert, Chair House Judiciary

Dear Senator Sears and Representative Lippert,

We are writing to express our serious concern and dissatisfaction with the report issued to your committees by the Juvenile Jurisdiction Policy and Operations Council (JJPOC) on January 15, 2009.

In its report JJPOC failed to adequately address both the key policy issue of the negative impacts of prosecuting juveniles as adults for minor offenses and the fiscal savings that could be realized by a restructuring of the juvenile justice system. Your committees had the foresight to establish JJPOC to address these issues but unfortunately in light of that body's failure to do so, we respectfully recommend that the legislature, specifically your committees, engage in a more thorough analysis of alternative approaches to prosecuting juveniles as adults.

The Children and Family Council for Prevention Programs has expressed its concern for several years that Vermont is one of a very small number of states that prosecute most 16 and 17 year old youth in the adult criminal system regardless of the severity, or lack thereof, of their offense. The great majority of states reserve adult responses only for those youth who have committed very serious offenses.

The JJPOC report fundamentally fails to address the negative impact an adult criminal conviction has on youth such as the lasting consequences of social stigma and an adult criminal record that will impede them in seeking employment, pursuing higher education and, even, accessing public housing. These considerations are akin to considerations that both of your committees examined in detail when you recently took on the challenge of revising and strengthening statutes regarding the sealing of juvenile records.

Most importantly, from a policy perspective, research in this area has been absolutely clear that the prosecution of youth through the adult criminal justice system is neither effective nor productive. In summary, this research has shown:

- Youth processed in adult court are more likely to reoffend than those processed in juvenile court
- The intended deterrent effect of adult justice response to youth offending shows little or no general deterrent effect in preventing juvenile crime
- The prosecution of youth as adults does not promote the public safety

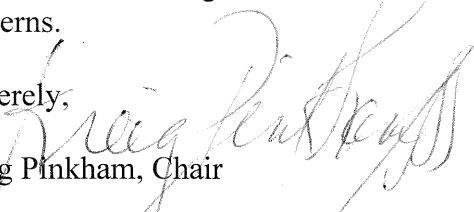
The JJPOC report totally disregards this research. The report also over-inflates the projected costs associated with its proposal to restructure the juvenile justice system by only addressing hypothetical increases in juvenile court caseloads and totally ignoring any analysis which would reflect cost savings by greater utilization of pre-charge programs which would effectively reduce caseloads in general. Likewise, the report does not consider other cost reduction options such as allowing defendants to be eligible for diversion more than once or increased use of other restorative justice programs. The omissions are particularly striking in light of the recent report provided to the Department of Corrections entitled, "Reparative versus Standard Probation: Community Justice Outcomes." As you know, that report concluded that being placed on reparative versus standard probation significantly decreases the likelihood of commission of a new offense. The JJPOC report's focus on only the exaggerated negative financial impact of initially filing minor offenses involving 16 and 17 year olds in juvenile court places into question the financial representations and net cost projections that the report makes. The report's assertion that "shifting more cases from district court to family court will require a significant increase in resources," reinforces the narrow scope of the JJPOC inquiry and its disregard for engaging in a more thoughtful and comprehensive analysis of how to effect positive systems change in youth justice.

Under your guidance the legislature established the Juvenile Justice Policy and Operations Council and directed it to "plan and develop the steps to better address age-appropriate responses to older youth within the juvenile justice system" and to "develop an implementation plan" for specific jurisdictional options. JJPOC failed to follow this directive.

The Children and Family Council for Prevention Programs remains committed to working with the legislature and other policy makers to ensure that young offenders, especially 16 and 17 year olds, receive an effective and developmentally appropriate response from the justice system that will lead to safer and healthier Vermont youth and communities. We urge you to pursue a more comprehensive analysis of alternatives for youth involved in the juvenile justice system which will address these issues and to fashion a legislative response that will both rehabilitate youth and promote community safety.

Finally, we request that you each set aside committee time in the upcoming session to take testimony regarding this important policy issue. The CCFPP is prepared to assist in your efforts by providing testimony, including expert testimony, and partnering with legislative counsel to provide your committees with data, information and research materials. All Vermonters will benefit by the legislature examining this issue and fashioning an appropriate and timely legislative response to these concerns.

Sincerely,


Craig Pinkham, Chair

cc:

Juvenile Justice Jurisdiction Study (2007) Advisory group members

Judge Amy Davenport

Steve Dale

Rob Hofmann

Patrick Flood

Stacy Jolles

Andy Pallito

Governor Douglas